

REMARKS

This application has been reviewed in light of the Office Action dated June 17, 2009.

Claims 1–19 are pending in the application. New claim 20 has been introduced. No new matter has been added. The Examiner's reconsideration of the rejection in view of the amendments and the following remarks is respectfully requested.

Preliminarily, it should be noted that claims 1, 4, 5, 7, 9–14, 18, and 19 have been amended to specify that the claimed “operations” are *user* operations. That is to say, they are high-level operations representing particular applications and tasks which the user directs. This meaning of the term “operation” is used throughout the present specification, and it is therefore believed that the present amendments are fully supported. *See, e.g.,* p. 3, lns 11–22. The claims draw a distinction between user “operations,” such as email, and low-level “functions,” such as establishing a connection with a particular network. An example of such a “function” is recited in claim 6.

Claims 10, 11, and 13–19 stand rejected under 35 U.S.C. as being anticipated by U.S. Patent Publication No. 2002/0059434 to Karaoguz et al. (hereinafter “Karaoguz”).

Claim 10 as amended recites, *inter alia*, “configuring the device to perform a selected user operation in at least one specific network.” Claim 1 recites analogous language. The Examiner asserts that Karaoguz performs “operations” in that it extracts network identity information, establishes and maintains connections with HomeRF and Bluetooth networks, and sends data.

However, as noted above, these actions cannot be described as “user operations.” Instead, they are better labeled as network “functions” in the terminology of the present

application. In fact, extracting network identity information is explicitly recited as such a function in claim 6 of the present application. All of the functions which the Examiner puts forth are low-level network actions which cannot be compared with user operations such as sending/receiving email.

Indeed, interpreting such functions as reading on the claimed “user operations” would make little sense in context. As noted above, the claims recite, “configuring the device to perform a selected user operation in at least one specific network.” It is tautological that a device would be configured to join a HomeRF network in a HomeRF network. Extending the claimed “configuring” to include such network functions would be wholly unreasonable, as the user would have no practical choice with regard to what sort of network they are performed on. This point is made especially clear in the context of claim 13, which assigns a network priority to user operations. In this context, considering a function such as “joining a HomeRF” network to be a user operation is unreasonable, as it implies the possibilities that “connecting to a HomeRF network” might be performed in a Bluetooth network.

The present invention allows the user to limit high-bandwidth applications to the most cost-efficient network. Rather than downloading large multimedia files over a costly cellular connection, the device can be configured to wait until it is in range of an inexpensive wireless LAN. In addition to simply connecting to an available network, the present invention keeps track of what operations may be performed on each network, allowing for an optimization in the user’s experience.

As such, it is respectfully asserted that Karaoguz neither discloses nor suggests configuring a device to perform a selected user operation in at least one specific network. For at

least this reason, it is believed that claim 10 is in condition for allowance. Because claims 11 and 13–19 depend from claim 10 and include all of its elements, it is further believed that claims 11 and 13–19 are in condition for allowance. Reconsideration of the rejection is earnestly solicited.

Claims 1–9 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Karaoguz.

Claim 1 recites, *inter alia*, “memory which stores information associating networks with individual user operations which can be performed on each network using the transceiver.” As noted above, claim 10 recites analogous subject matter. As noted above Karaoguz fails to disclose or suggest associating networks with individual user operations. It is therefore believed that claim 1 is in condition for allowance. Furthermore, because claims 2–9 and 12 depend from claims 1 and 10 respectively and include all of the elements of their parent claims, it is also believed that claims 2–9 and 12 are in condition for allowance. Reconsideration of the rejection is earnestly solicited.

In addition, new claim 20 has been introduced. The new claim explicitly recites, in the form of a Markush group, possible user operations. Support for this new claim can be found in the present specification at page 3, lines 11–22. Claim 20 depends from claim 10 and therefore includes all of the above-discussed features. Beyond these features, however, claim 20 recites, “the user operation comprises at least one of checking email, sending email, downloading news, downloading weather, downloading stock quotes, downloading multimedia data, making a phone call, and making a long-distance phone call.” Karaoguz does not disclose or suggest configuring a device to perform any of these user operations in a specific network. It is therefore respectfully

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asserted that Karaoguz fails to disclose or suggest all of the elements of claim 20. Claim 20 is therefore believed to include patentable subject matter above and beyond that recited in claim 10.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claim now pending in the application is in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account.

Respectfully submitted,

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